GOVERNMENT OF INDIA
INFORMATION AND BROADCASTING
LOK SABHA

UNSTARRED QUESTION NO:5360
ANSWERED ON:15.05.2007
PRICE REGULATION FOR DTH
Nikhil Kumar Shri

Will the Minister of INFORMATION AND BROADCASTING be pleased to state:

(a) whether the Telecom Dispute Settlement Appellate Tribunal has recently described that broadcasters should not compel distributors to pick all channels and directed the Telecom Regularity Authority of India (TRAI) to come out with price regulations for Direct-to-Home (DTH);

(b) if so, the facts and the details thereof; and

(c) the reaction of the Government thereon?

Answer

THE MINISTER OF INFORMATION AND BROADCASTING AND PARLIAMENTARY AFFAIRS (SHRI P. R. DASMUNSI)

(a) & (b): The Hon'ble Telecom Dispute Settlement Appellate Tribunal has discussed the question `Can a distributor pick and choose what he wants?` in its order dated 31.3.2007 in petition number 189(c) of 2006 in the matter of Tata Sky Ltd. Vs. Zee Turner Ltd. & others. The Hon'ble Telecom Dispute Settlement Appellate Tribunal has made the following observations in this regard:-

` The question, however, is can a distributor pick and choose what he wants? The use of the words ' on request' may suggest that a seeker of channels may be in position to make a choice about what he wants from a particular broadcaster and he will get whatever he requests for. We leave this question open for decision in an appropriate case.`

As regards price fixation for Direct-to-Home (DTH), the Hon'ble Telecom Dispute Settlement Appellate Tribunal has commented that `Price fixation should be done by the TRAI. In the judgement dated 14th July 2006 this Tribunal had fixed a norm in the interim till price fixation is done by TRAI, that broadcaster will charge the DTH operator 50% of its listed price for cable platform. For the present we would like to continue with the said norm and we reiterate that the TRAI should come out with price fixation and regulation in this behalf as early as possible.`

(c): It is for Telecom Regulatory Authority of India (TRAI) to take action on the judgement of Telecom Dispute Settlement Appellate Tribunal (TDSAT).